UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,409	08/10/2001	David Hitz	103.1019.10	7457

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SWERNOFSKY LAW GROUP PC
P.O. BOX 390013
MOUNTAIN VIEW, CA 94039-0013

EXAMINER
LEE, CHI CHUNG

ART UNIT	PAPER NUMBER
2131	6

DATE MAILED: 12/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.	Applicant(s)
09/927,409	HITZ ET AL.
Examiner	**Art Unit**
Chi-Chung E Lee	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 June 2001_.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-56_ is/are pending in the application.

    4a) Of the above claim(s) _1-30_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _31-56_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

    a) ☐ The translation of the foreign language provisional application has been received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _4_.

4) ☐ Interview Summary (PTO-413) Paper No(s). _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 50 objected to because of the following informalities: It depends on claim 69, which is not existed. To pursue the examining process, the examiner assumes claim 50 depends on claim 49. Appropriate correction is required.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington,* 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
       A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).
       Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3.   Claims 31-45, 47-56 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15, 27-28 of U.S. Patent No.

6,457,130 B2. Although the conflicting claims are not identical, they are not patentably distinct

from each other because of the following reasons:

Claims 43, 49,50, 51, 54, differ from the conflicting claim 15 of U.S. Patent No.

6,457,130 is it contains a plurality of operating systems implemented on the file server. It

would have been obvious to a person of ordinary skill in the art to implement the plurality

of operating systems for enforcing file security semantics among client devices using

multiple diverse access control model and multiple diverse file server protocols because

they are available in the file server.

Claims 44-45, 47-48, 52-53,55-56 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 27-28 of U.S.

Patent No. 6,457,130. These claims include limitations of: Unix security style, Window

NT security style.

Claims 31-42 are rejected under the judicially created doctrine of obviousness-type

double patenting as being unpatentable over claims 1-14 of U.S. Patent No. 6,457,130.

These claims include limitations of: a file server, the steps of identifying a first file,

enforcing the first security style, plurality of operating systems in one file server, Unix

security style, Window NT security style.

Claim Rejections - 35 USC § 102

(e) the invention was described in a patent granted on an application for patent by another filed in the United
States before the invention thereof by the applicant for patent, or on an international application by another who

has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999

(AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA

35 U.S.C. 102(e)).

4.   Claims 31-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Inokuchi et al

(US 6,144,969 A).

As per claim 43, 46, Inokuchi et al disclose a file server (i.e. the file system CDRFS, see

figure 2) including:

A set of files available on the CD-R disc of said file server [see column 23 lines 15-21],

each said file having an associated security style (i.e. operating system, see lines 26-35)

selected from among a plurality of security styles corresponding to a plurality of

operating systems implemented on said file server [see figure 46 and column 25 lines 50-

56]; wherein said file server enforces said associated security style for all accesses to said

file [see column 32 lines 31-45]. Inokuchi et al disclose a subtree of files (i.e. B-tree) in

said file system associated with a security subset of said plurality of security styles [see

column 6 lines 1-49]; wherein said file server restricts attempts to set permissions in said

subtree to said security subset [see column 7 lines 9-51].

As per claims 44, 47, Inokuchi et al disclose wherein said plurality of security styles and security subset include a Window NT security style [see figures 46 and 5].

As per claims 45, 48, Inokuchi et al disclose wherein said plurality of security styles and security subset include a Unix security style [see figures 46 and 5].

As per claims 49, 50, Inokuchi et al disclose the file server is capable of altering the security style associated with said file in response to a file server request [see column 3 lines 16-35 and column 20 lines 60-65].

As per claims 51, 54, Inokuchi et al disclose a file server (i.e. the file system CDRFS, see figure 2) having a plurality of files available on the CD-R disc of said file server [see column 23 lines 15-21], each said file is associated a data structure [see figures 3 and 4] with security style (i.e. operating system, see lines 26-35) selected from among a plurality of security styles corresponding to a plurality of operating systems implemented on said file server [see figure 46 and column 25 lines 50-56].Inokuchi et al disclose a subtree of files (i.e. B-tree) in said file system associated with a security subset of said plurality of security styles [see column 6 lines 1-49]; wherein said file server restricts attempts to set permissions in said subtree to said security subset [see column 7 lines 9-51].

As per claims 52, 55, Inokuchi et al disclose wherein said plurality of security styles and security subset include a Window NT security style [see figures 46 and 5].

As per claims 53, 56, Inokuchi et al disclose wherein said plurality of security styles and security subset include a Unix security style [see figures 46 and 5].

As per claims 31-42, the claimed steps corresponds to the functions of the elements of the apparatus claims 43-53, which have been rejected above, and thus rejected with the same reason applied thereto.
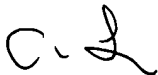
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi-Chung E Lee whose telephone number is 703-306-4153. The examiner can normally be reached on 8 am - 5 pm, Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Chi-Chung Lee
11/22/2003

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100